

S. Amanda Marshall  
Oregon Bar No. 953473  
**S. AMANDA MARSHALL, LLC**  
1318 NW Northrup Street  
Portland, Oregon 97209  
Telephone: (503) 472-7190  
*amanda@maclaw.law*

Jesenia A. Martinez  
Cal. Bar No. 316969  
(*Pro Hac Vice*)  
**CARPENTER & ZUCKERMAN**  
8827 W. Olympic Boulevard  
Beverly Hills, California 90211  
Telephone: (310) 273-1230  
*jmartinez@cz.law*

***Attorneys for Plaintiff***

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

ZOE HOLLIS individually and on behalf of  
all others similarly situated,

Case No.: 3:21-cv-00965-YY

**COLLECTIVE ACTION**

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' MOTION FOR LEAVE  
TO FILE FIRST AMENDED ANSWER  
AND COUNTERCLAIMS**

R & R RESTAURANTS, INC dba SASSY'S,  
an Oregon corporation; STACY MAYHOOD,  
an individual; IAN HANNIGAN, an  
individual; FRANK FAILLACE, an  
individual; and DOES 2 through 10, inclusive,

Defendants.

/

**COME NOW** plaintiffs Zoe Hollis ("Hollis"), Rehal Patterson ("Patterson"), and Takyla Harris ("Harris") (collectively, "Plaintiffs") and hereby submit this Response to defendants R&R Restaurants, Inc. dba Sassy's, Stacy Mayhood, Ian Hannigan, and Frank Faillace (collectively,

“Defendants”) Motion for Leave to File First Amended Answer and Counterclaims (the “Motion”) [Dkt. 56] as follows:

On Tuesday, September 6, 2022 at 5:26 p.m., Anthony Kuchulis, counsel for Defendants, sent an email to Courtroom Deputy Trish Hunt stating that “Defendants intended to withdraw the motion for leave to amend entirely and no longer intend to pursue the counter-claims proposed in federal court. So no need for Judge You to review or for further briefing by either party or a hearing on it.” *See Declaration of Jesenia A. Martinez (“Martinez Decl.”) at ¶ 2, Exhibit (“Ex.”) 1* (emphasis in original). Mr. Kuchulis further stated that Defendants would file a motion to strike “to withdraw the motion formally” this week. *Id.*

Out of an abundance of caution, Plaintiffs do oppose Defendants’ Motion, but since Defendants have agreed to withdraw the Motion, Plaintiffs rely on Defendants’ counsel’s statements to this Court that Defendants no longer intend to proceed with their Motion and will withdraw it. If Defendants fail to file their motion to strike to withdraw the Motion and choose instead to proceed with it, Plaintiffs request that a briefing schedule be set to allow Plaintiffs to oppose Defendants’ Motion on the merits as Plaintiffs relied on Defendants’ statements that the Motion would be withdrawn.

Dated: September 7, 2022

Respectfully submitted,

*/s/ Jesenia A. Martinez*  
 Jesenia A. Martinez  
 Cal. Bar No. 316969  
*(Pro Hac Vice)*  
**CARPENTER & ZUCKERMAN**  
 8827 W. Olympic Boulevard  
 Beverly Hills, California 90211  
 Telephone: (310) 273-1230  
*jmartinez@cz.law*

S. Amanda Marshall  
 OSB No. 953473  
**S. AMANDA MARSHALL, LLC**  
 1318 NW Northrup Street  
 Portland, Oregon 97209  
 Telephone: (503) 472-7190  
*amanda@maclaw.law*

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that on Wednesday, September 07, 2022 a true and correct copy of the attached **PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER AND COUNTERCLAIMS** was served via CM/ECF upon the following parties pursuant to Rule 5 of the Federal Rules of Civil Procedure:

Anthony Kuchulis  
Joseph Q. Ridgeway  
**LITTLE MENDELSON P.C.**  
1300 SW 5th Avenue, Suite 2050  
Portland, Oregon 97201  
Email: [akuchulis@littler.com](mailto:akuchulis@littler.com)  
Email: [sarney@littler.com](mailto:sarney@littler.com)  
Email: [jridgeaway@littler.com](mailto:jridgeaway@littler.com)

*Counsel for Defendants*

\_\_\_\_\_  
*/s/ Jesenia A. Martinez*

Jesenia A. Martinez